IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1147 OF 2005
IN
SUMMONS FOR JUDGMENT NO.946 OF 2004
IN
SUMMARY SUIT NO.3770 OF 2003

Pratap I. Hinduja & Anr. ....Appellants

V/s.

Jaikishan P. Lalwani ....Respondent

Mr.N.N. Vaishnawa i/b Bharat Vaishnawa & Co. for the Appellants.

Mr.D.A. Nalawade for the Respondent.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 29TH MARCH, 2006.

P.C. :

1. Heard the learned counsel for the Appellants and the Respondent. By this Appeal, the Appellants are challenging the order dated 10.10.2005 whereby the learned single Judge had directed the Appellants to deposit a sum of Rs.3,50,000/- each, totalling to Rs.7,00,000/-.

2. After hearing both the parties for some time, the learned advocate for the Appellants states that the

Appellants are ready and willing to deposit the aforesaid sum of Rs.7,00,000/- in the following manner :-

Rs.2,50,000/- initially by a cheque dated 29.3.2006 and the balance amount of Rs.4,50,000/- by a cheque dated 9.6.2006.

3. Both the above cheques have been issued by the learned advocate for the Appellants. The learned advocate for the Respondent has no objection with regard to the same. The Appellants shall tender both the aforesaid cheques to the Prothonotary & Senior Master within a week.

4. The Prothonotary and Senior Master is directed to deposit the aforesaid cheque of Rs.2,50,000/- immediately and other cheque of Rs.4,50,000/- on 9.6.2006.

5. In view of above, nothing further survives in this Appeal and the Appeal stands disposed of. The Respondent is at liberty to withdraw the said sum of Rs.2,50,000/- as well as the aforesaid amount of Rs.4,50,000/- on furnishing a security to the satisfaction of the Prothonotary and Senior Master.

Liberty to both the parties to move before the learned single Judge.

. Parties including the Prothonotary and Senior Master to act on the ordinary copy of this order.

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)